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Filed Feb. 9, 1901.

Office Supreme Court U. S.
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JAMES H. McKENNEY,
Clerk.

PREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1900.

TERM No. 336.

FILE No. 17,821.

DWARD P. GALLUP, EXECUTOR OF WILLIAM P. GALLUP, DECEASED, PLAINTIFF IN ERROR,

vs.

ILLIAM H. SCHMIDT, TREASURER OF MARION COUNTY, INDIANA.

ERROR TO THE CIRCUIT COURT OF MARION COUNTY, INDIANA.

TITION BY DEFENDANT IN ERROR FOR ADVANCEMENT OF CAUSE.

NOTICE OF MOTION TO ADVANCE.

SENTINEL PRINTING COMPANY.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1900.

TERM NO. 336.

FILE NO. 17,821.

EDWARD P. GALLUP, EXECUTOR OF WILLIAM P. GALLUP, DECEASED, PLAINTIFF IN ERROR,

vs.

WILLIAM H. SCHMIDT, TREASURER OF MARION COUNTY, INDIANA.

IN ERROR TO THE CIRCUIT COURT OF MARION COUNTY, INDIANA.

PETITION BY DEFENDANT IN ERROR FOR ADVANCEMENT OF CAUSE.

To the Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States:

Your petitioner, Armin C. Koehne, who is the treasurer of Marion county, Indiana, as the successor of William H. Schmidt, would respectfully represent and show that he is the treasurer of Marion county, duly elected and qualified and in the discharge of the duties of such office, among which duties is the collection of the taxes for and on account of the State of Indiana, and the various political sub-divisions thereof within Marion county, Indiana, to-wit: The County of Marion, the City of Indianapolis, the school City of Indianapolis, and the various townships in said county, including Center township, and that no other officer or person than himself is authorized to collect the revenues of the State derived from taxation within the County of Marion; that the judgment of the Mairon Circuit Court in favor of William H. Schmidt, as treasurer of Marion county, Indiana, was rendered in the proper exercise of the duties by said Schmidt to collect the taxes due from the estate of said William P. Gallup for the State of Indiana and the other political sub-divisions thereof, as hereinbefore set forth; that the term of office of said Schmidt having expired since the rendition of said judgment, that duty has been devolved upon your petitioner, and the judgment has been properly assigned and transferred of record to your petitioner, and it has been, and is, therefore, his duty to enforce the collection of said judgment by proper proceedings thereon, and that no other method

of reaching the revenues due the State, and such other political sub-divisions as hereinbefore set forth exist, except through the collection of said judgment, and your petitioner shows that by the pendency of this writ of error the revenue laws of the State of Indiana are staid in this suit; that the collection of the moneys due upon said judgment, as shown by the record, has been delayed since the date of the institution of the action, viz: the 26th day of January, 1895.

Your petitioner therefore prays that this cause may be advanced for hearing upon the docket of this honorable Court, and that the same may be heard at as early a date as the convenience of the Court will permit, in preference to any other civil cause pending in this Court between private parties. And he prays for such other and proper orders in the premises as may to the Court seem meet.

ARMIN C. KOEHNE,
Treasurer Marion County, Indiana.

By HENRY L. SMITH,
Deputy.

WILLIAM L. TAYLOR,
Attorney-General of Indiana.
MARTIN M. HUGG,
Attorney for Marion County, Indiana.
WILLIAM A. KETCHAM,
Of Counsel for Defendant in Error.

Henry L. Smith being first duly sworn, upon his oath says that he is the principal deputy of Armin C. Koehne, treasurer of Marion county, Indiana; that said Armin C. Koehne is now absent from the State of Indiana, being in the State of Florida at the present time; that in the absence of said Armin C. Koehne affiant is authorized to discharge for him all duties connected with said office of treasurer of Marion county, Indiana, and to sign and execute for him all instruments required of said Armin C. Koehne as such treasurer, and affiant has signed the above petition in his behalf, and does now make this affidavit in his behalf; that the matters and facts set forth in said petition are true in substance and in fact as therein averred and set forth. And further affiant saith not.

HENRY L. SMITH.

STATE OF INDIANA, }
Marion County, } ss:

Subscribed and sworn to before me, the undersigned, a Notary Public within and for said county and state, this 1st day of February, 1901.

Witness my hand and notarial seal.

HENRY G. COX,
Notary Public.

My commission expires January 30, 1904.

[SEAL.]

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1900.

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FILE No. 17,821.

EDWARD P. GALLUP, EXECUTOR OF WILLIAM P. GALLUP, DECEASED, PLAINTIFF IN ERROR.

vs.

WILLIAM H. SCHMIDT, TREASURER OF MARION COUNTY, INDIANA.

IN ERROR TO THE CIRCUIT COURT OF MARION COUNTY, INDIANA.

NOTICE OF MOTION TO ADVANCE.

The plaintiff in error is hereby notified that on Monday, the 11th day of February, 1901, or as soon thereafter as the Court will hear the same, the defendant in error will petition the Court in the above cause for an order of advancement and that the same may be set down for argument at as early a date as the convenience of the Court will permit, in preference to any civil cause pending in such Court between private parties.

WILLIAM A. KETCHUM,
Of Counsel for Defendant in Error.

WILLIAM L. TAYLOR,
Attorney-General of Indiana.

MARTIN M. HUGG,
Attorney for Marion County, Inniana.

We hereby accept of the above and foregoing notice this 2d day of February, 1901.

W. H. H. MILLER,
Attorney for Plaintiff in Error.